IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITON NO.3468 OF 2005

Shri Vitthal Laxman Tilekar & Ors. ..Petitioners.

V/s.

Baif Development Research Foundation and Anr. ..Respondents.

Mr.V.G.Mazumdar for petitioners.

Mr.A.S.Rao & P.M. Huddar for respondent No.1.

Mr.K.N.Kandekar with V.Y.Sanglikar for respondent No.2.

CORAM : V.C.DAGA, J.

DATED : 18TH APRIL, 2006.

P.C. :-

. During the course of hearing, it has come to my notice from the material available on record that at the time when petition was notarised the entire petition was not presented before the Public Notary. None of the pages of the petition bears seal of the notary. Not a single page (barring last page) bears signature of the Notary. It is thus clear that the petition has not been properly affirmed. If such petition is entertained and allowed to be on the record of this Court, the possibility of replacement of pages of the petitioner

cannot be ruled out. In this view of the matter, the petitioner is liable to be dismissed for want of proper affidavit as well as notarisation.

2. At this stage, the learned counsel appearing for the petitioner seeks permission to withdraw this petition with liberty to file fresh petition on the same cause of action. The petition is allowed to be withdrawn The same is dismissed as withdrawn with liberty to file a separate petition on the same cause of action.

3. Needless to mention that the petitioners may apply for refund of Court fees, if permissible under the Rules of this Court.

4. Needless to mention that in view of the dismissal of the petition, the Civil Application shall not survive and same stands disposed of as such with no order as to costs.

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